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RemarksCanceled Claims

Claims 41-44 are canceled without prejudice or disclaimer of the subject matter recited therein.

Objection to Abstract of the Disclosure

The Abstract of the Disclosure is amended so as to reduce the total number of words included in the Abstract. The word count is between 50 and 150 words (i.e., about 108 words), as required by the Examiner. Reconsideration of the objection to the Abstract is thus requested.

Indefiniteness Rejection of Claims 5-7, 22-24, and 30

Claims 5-7, 22-24, and 30 are rejected under 35 U. S. C. § 112, second paragraph. Claims 5-7 are amended to address the "double inclusion" issues raised by the Examiner. Claim 22 is amended to delete "from the gap" so as to correct the antecedent basis issue. Reconsideration of the § 112 rejection of claims 5-7 and 22, as well as claims 23, 24, and 30 depending directly or indirectly from claim 22, is thus requested.

Obviousness Rejection of Claims 1-10

Claim 1 is rejected under 35 U. S. C. § 103 for alleged obviousness based on Konno, U. S. Patent No. 6,435,264, in view of Tsuda, U. S. Patent No. 6,068,675. This rejection is respectfully traversed.

In the 28 June 2006 Office Action, the Examiner argues that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air intake system shown by Konno with the air intake device as taught by Tsuda, since such a modification would provide the advantage of, according to Tsuda, supplying air that has not been heated by passing through the radiator." However, Konno already supplies air that has not been heated by passage through a radiator. Indeed, it is evident from FIG. 1 of Konno that air unheated by a radiator would pass directly from the atmosphere through intake port 14 into chamber A which contains the engine 4 (note that intake port 14 extends on

both sides of partition wall 16). As such, there would have no need, and thus no motivation, to modify Konno by Tsuda for the reason suggested by the Examiner.

Further, even if Konno were to be modified by Tsuda, it would fail to arrive at the air intake system of claim 1 comprising an "engine air intake device removing a first portion of the ambient air flowing through the gap," the gap being defined according to the recitation that "a distance between the heat exchanger package and the baffle forming a gap through which ambient air flows" and the baffle being recited as "separating the plenum cooling compartment from the engine." As recognized by the Examiner, Konno fails to disclose an engine air intake device removing a first portion of the ambient air flowing through the gap of claim 1. Tsuda fails to make up for this deficiency.

In particular, in Tsuda, air is admitted into an intake pipe 14a which has an inlet port located in an intake space 1a formed between a radiator 11 and a dustproof net 6. The intake space 1a is not analogous to the space of Konno between radiator 30 and partition wall 16 because the dustproof net 6 does not qualify as a baffle in the sense of claim 1 in that it does not separate any plenum cooling compartment from the engine 13. In the Examiner's analysis of claim 4, elements 16-18 of Tsuda are identified as being analogous to the "baffle of Konno," i.e., the partition wall 16 of Konno. However, elements 16-18 are not analogous to partition wall 16 because there is no gap between the elements 16-18 and the radiator 11. Thus, if one of ordinary skill in the art were to have modified Konno according to what Tsuda actually discloses, the resultant combination would have still failed to arrive at the air intake system of claim 1 comprising an "engine air intake device removing a first portion of the ambient air flowing through the gap." For at least the foregoing reasons, reconsideration of the § 103 rejection of claim 1 is requested.

Regarding claim 4, since elements 16-18 of Tsuda are not analogous to the partition wall 16 of Konno as discussed above, Konno and Tsuda, alone or in combination, would have failed to arrive at the air intake system of claim 4 "wherein the air intake tube is routed through a hole in the baffle." Reconsideration of the § 103 rejection of claim 4 is thus requested.

Claims 2, 3, and 5-10 depend directly or indirectly from claim 1. Thus, for at least the reasons discussed in connection with claim 1, reconsideration of the § 103

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rejection of claims 2, 3, and 5-10 is requested.

New claims 45-47 are added.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to Deposit Account No. 04-0525 with reference to attorney docket number 16469-US.

Respectfully submitted,



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